

Notice of Allowability

Application No.

10/089,982

Applicant(s)

LOPEZ ET AL.

Examiner

Michele Flood

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 15, 2004.
2. ☒ The allowed claim(s) is/are 1-4,6,8-15,18-28,31 and 32.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

Acknowledgment is made of the receipt and entry of the amendment made after final on December 15, 2004. Further acknowledgment is made of Applicant's cancellation of Claims 5 and 7.

Allowable Subject Matter

Claims 1-4, 6, 8-15, 18-28, 31 and 32 are allowed.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric S. Hyman on February 4, 2005.

The application has been amended as follows:

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IN THE TITLE:

The title has been changed from "METHOD FOR PREPARING A COMPOSITION BY MOTHER-OF-PEARL EXTRACTION, COMPRISING INTEGRALLY MOTHER-OF-PEARL COMPONENTS, COMPOSITION OBTAINED BY SAID METHOD AND USE THEREOF IN COSMETICS AND DERMATLOGE" to
- - METHOD FOR PREPARING A COMPOSITION BY EXTRACTION OF MOTHER-OF-PEARL, COMPOSITION OBTAINED BY SAID METHOD AND USE THEREOF IN COSMETICS AND DERMATOLOGY - -.

IN THE SPECIFICATION:

On page 1 of the specification, between lines 5 and 6, insert
- - SUMMARY OF THE INVENTION - -.

On page 1 of the specification, between lines 14 and 15, insert
- - BACKGROUND OF THE INVENTION - -.

On page 4 of the specification, between lines 11 and 13, insert
- - DETAILED DESCRIPTION OF THE INVENTION - -.

IN THE CLAIMS:

In Claim 1, line 3 after "1", add - - μm - -.

In Claim 1, line 4, delete "the".

In Claim 1, line 6, replace "proteoglycane" with - - proteoglycan - -.

In Claim 1, line 8, replace "proteoglycane," with - - proteoglycan - -.

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In Claim 2, line 2, after "50", add - - μm - -.

In Claim 3, line 2, after "15", add - - μm - -.

In Claim 3, line 3, replace the comma appearing at the end of the sentence with a period - - . - -

In Claim 6, line 1, replace "5" with - - 1 - -.

In Claim 8, line 1, replace "5" with - - 1 - -.

In Claim 8, line 2, after "0.0001", add - - % - -.

In Claim 12, line 2, after "0.0001", add - - % - -.

In Claim 13, line 3, replace "such that" with - - wherein - -.

In Claim 19, line 1, delete "comprising".

In Claim 19, line 2, after "suspension", add - - , comprising - -.

In Claim 21, line 2, after "as", add - - an - -.

In Claims 23, line 1, delete "intended".

In Claim 23, line 1, delete "the".

In Claim 23, line 2, delete the first "the".

In Claim 23, line 2, replace the second "the" with - - a - -.

In Claim 24, line 1, delete "intended".

In Claim 24, line 1, delete the first "the".

In Claim 24, line 1, delete the second "the".

In Claim 24, line 2, replace the first "the" with - - a - -.

In Claim 24, line 2, after "step", add - - of - -.

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In Claim 24, line 2, delete the second "the".

In Claims 25, line 1, delete "intended".

In Claim 25, line 1, delete "the".

In Claim 25, line 2, replace the first "the" with - - a - -.

In Claim 25, line 2, delete the second "the".

In Claim 26, line 2, after "as", add - - a - -.

In Claim 27, line 1, delete "intended for cosmetic treatment".

In Claim 27, line 2, delete the first "the".

In Claim 27, line 2, replace the second "the" with - - a - -.

In Claim 27, line 3, delete "the".

In Claim 28, line 1, delete "intended".

In Claim 28, line 1, delete "the".

In Claim 28, line 2, delete the first "the".

In Claim 28, line 2, replace the second "the" with - - a - -.

In Claim 28, line 3, delete "the".

In Claim 31, line 2, replace "with" with - - to - -.

In Claim 31, line 3, after "1", add - - μm - -.

In Claim 31, line 4, delete "the".

IN THE ABSTRACT:

In line 1 of the abstract, delete "The invention concerns a", and add - - A - -.

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In line 1 of the abstract, delete, "characterized in that it comprises steps which consist".

In line 1 of the abstract, line 2, replace "in" with - - comprising - -.


In line 5 of the abstract, delete "invention also concerns the".

In line 5 of the abstract, delete ". Said composition".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is 571-272-0964. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MICHELE FLOOD
PATENT EXAMINER
MCF
February 4, 2005